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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,221	01/11/2006	Guntjof Magel	AP 10752	7465
7590 Gerlinde M Nattler Craig Hallacher Continental Teves Inc One Continental Drive Auburn Hills, MI 48326				
			EXAMINER RODRIGUEZ, PAMELA	
			ART UNIT 3657	PAPER NUMBER
			MAIL DATE 10/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,221

**Applicant(s)**

MAGEL ET AL.

**Examiner**

Pam Rodriguez

**Art Unit**

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- Paper No(s)/Mail Date 01/11/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the lettering on the figures is all in German. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The Substitute Specification filed January 11, 2006 has been approved and entered.

3. The abstract of the disclosure is objected to because in the last line the word "means" is used. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: on page 5 line 4 the word "und" is not recognized or understood.

Appropriate correction is required.

### ***Claim Objections***

5. Claims 9, 10, 12-14, 17, and 18 are objected to because of the following informalities: in line 6 of Claim 9, the word "a" should be deleted so the phrase reads --in the direction of pressure sensors (3)--, in line 8 of Claim 9 the word "the" should be deleted so that the phrase reads --while admission pressure input....--, in line 9 of Claim 9, the phrase "pressure sensor (3)" should read --pressure sensorss (3)-- to avoid a 112 second paragraph rejection, in line 11 of Claim 9, the phrase "using an electronic unit to supply a motor..." should read --using the electronic unit to supply the motor....-- to avoid a potential 112 second paragraph rejection, in the last line of Claim 9, the phrase "electrohydraulic valve" should read --electrohydraulic valvess--, in line 3 of Claim 10, the phrase "a motor-pump-aggregate" should read --the motor-pump-aggregate--and the phrase "the admission pressure load" should read --admission pressure load--since this term was not previously introduced, Claims 12 and 13 should be grouped together as one claim so that all the variables contained therein will be defined, in line 2 of Claim 14 the term "A" is not defined here or previously, and in the third lines of Claims 17 and 18,

the second occurrences of the words "that" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 10-14 are rejected merely due to their dependency from Claim 9.

Claim 15 recites the limitations "generator voltage gradient" and "rotational speed gradient" in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitations "rotational speed gradient" and "the generator" in lines 1 and 2. There is insufficient antecedent basis for these limitations in the claim.

Claims 17 and 18 are rejected merely due to their dependency from Claim 9.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 9-11 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,123,395 to Wolf et al.

Regarding Claim 9, Wolf et al disclose a control method for a slip-controlled motor vehicle brake system having all the features of the instant invention including: a distributor device (see Figure 1) with an electronic unit 150/230 and a hydraulic unit having a housing body for hydraulic elements including electrohydraulic inlet and outlet valves 100,160 for wheel brakes 120 organized in brake circuits (see Figure 1), and with a motor- pump-aggregate 170 with electric motor, in particular, for redirecting hydraulic fluid from wheel brakes 120 in the direction of pressure sensors PV, PW (see column 2 lines 27-33 and lines 44-48), wherein an antilock control 150 is facilitated through the build-up, maintenance and release of pressure in the electrohydraulic inlet and outlet valves 100,160 (see column 4 lines 40-58), while admission pressure input by the driver is analyzed by means of the pressure sensors PV and PW in the brake system (see column 2 lines 1-4), the method comprising: using the electronic unit 150/230 to supply the motor with at least one of a defined electrical starting and shut-off phases in order to control rotational speed of the motor (see column 4 lines 31-35); generating a generator voltage when the motor is tapped during a shut-off phase (see column 4 lines 44-51); feeding the generator voltage to the electronic unit 150/230 in order to estimate an admission pressure present in the brake system based on the generator voltage (see column 4 lines 23-34 and column 5 lines 16-33); and facilitating a reduced-noise

triggering of one or more electrohydraulic valves (note that the regulation of the pump and hence the pressure in the brake system, would reduce at least some noise generated by valves 100 or 160).

Regarding Claims 10 and 11, see column 4 line 43-column 5 line 24.

Regarding Claim 15, see column 4 lines 58-63.

Regarding Claim 16, see column 4 line 64 – column 5 line 5 and Figure 4c which allude to this relationship.

Regarding Claims 17 and 18, see column 4 lines 23-30 and column 5 lines 16-23.

### ***Allowable Subject Matter***

10. Claims 12-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the claim objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,295,737 to Eppler et al and U.S. Patent No. 6,499,812 to Gronau et al all disclose pump control means in anti-lock braking systems to regulate pressure in the systems.

U.S. Patent No. 5,487,593 to Potts et al., U.S. Patent No. 5,632,531 to Batistic et al., U.S. Patent No. 5,704,766 to Fennel et al., and U.S. Patent No. 6,668,634 to Zimmermann et al are merely the U.S. equivalent documents to applicant's foreign references cited in his IDS. They are being cited here for completeness of the record.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Mondays 5:30 AM - 4 PM and Tuesdays 5 AM - 11 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3657

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10/01/08